

COMMISSION ON APPELLATE COURT APPOINTMENTS

MINUTES

June 17, 2013

PRESENT: Chief Justice Rebecca White Berch, Chair; Doug Cole; Joseph Cuffari; William Ekstrom, Jr.; J. W. Harris; Jill Harrison (telephonically); James Hartdegen; Linda Martin (telephonically); Ted Schmidt; Paul Senseman; Phillip Townsend; and, Charie Wallace

ABSENT: Carey Dobson; Michael Rusing; and, Tom Taylor

Chief Justice Berch called the meeting to order at 10:00 a.m. to screen applications for the vacancy created on Division One of the Arizona Court of Appeals when Judge Philip Hall retired. She then reviewed the procedures of the Appellate Nominating Commission for the benefit of the public.

Public Comment

Chief Justice Berch called for comment from the public on the applicants. There was none. The Chief Justice then thanked the Commission members for their service and explained that the day would be split between screening applications for the Court of Appeals vacancy and conducting interviews for the IRC vacancy.

Disqualifications and Disclosures

Chief Justice Berch asked the Commission members if there were any disqualifications and/or disclosures.

Phillip Townsend disclosed that he is a personal friend of John Plante's.

Ted Schmidt disclosed that he knows both John Plante and Kenton Jones.

Bill Ekstrom disclosed that he regularly works with Kenneth Moyer and Mark Sipple.

Chief Justice Berch disclosed that she knows of all of the applicants. She added that she has known Mark Sipple since law school and that Mark Moran is the Presiding Judge in Coconino County and that Kenton Jones was once a student of hers.

Discussion of Applicants and Interviews

The Commission then discussed the applicants' qualifications. Ted Schmidt moved to interview all of the applicants (Kenton Jones, Elizabeth McFarland, Mark Moran, Kenneth Moyer, John Plante, and Mark Sipple). The motion was seconded and passed with a vote of 11-0-1 with Chief Justice Berch abstaining.

The Commission decided that interviews on July 15, 2013 would be 25 minutes long and that Ted Schmidt would draft a hypothetical question to be given to the applicants before their interviews.

At 10:15, it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.